

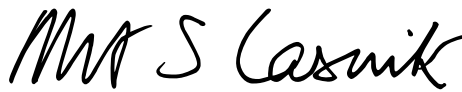
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL A. BURNHART,) CASE NO. C06-0816-RSL
)
Plaintiff,)
)
v.) ORDER DISMISSING § 1983
) ACTION
COMMANDER REED HOLTGEERTS,)
)
Defendant.)

The Court, having reviewed defendant's motion for summary judgment, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, any objections thereto, including plaintiff's objections to the Report and Recommendation and request for extension, and the balance of the record, does hereby ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's request for an extension of time is DENIED;
- (3) Defendant's motion for summary judgment (Dkt. #46) is GRANTED;
- (4) The complaint and this § 1983 action are DISMISSED. This dismissal shall count as a dismissal under 28 U.S.C. § 1915(g); and
- (5) The Clerk is directed to send a copy of this Order to plaintiff, counsel for defendant, and Judge Theiler.

DATED this 21st day of August, 2007.



Robert S. Lasnik
United States District Judge